

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

KEVIN O'NEIL,

Plaintiff,

-against-

ARGON MEDICAL DEVICES, INC. and REX  
MEDICAL, L.P.,

Defendants.

Case No. 3:17-cv-00640-DNH-TWD

**STIPULATION OF DISMISSAL  
WITHOUT PREJUDICE PURSUANT  
TO F.R.C.P. 41(a)(1)(A)(ii)**

**STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed without prejudice against Defendants ARGON MEDICAL DEVICES, INC. and REX MEDICAL L.P. ("Defendants") pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii), with each party to bear their own costs and fees, including all attorney fees. In entering into this Stipulation, Defendants do not waive any affirmative defenses, including but not limited to statute of limitations and statute of repose.

Dated: April 12, 2021

Respectfully submitted,

/s/ Debra J. Humphrey

By: /s/ Debra J. Humphrey  
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**SO ORDERED:**

  
United States District/Magistrate Judge